

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

CALE JOHN DAYTON,)	
)	
Plaintiff,)	
)	
v.)	CV- 08-77-B-W
)	
JIM FOSS, et al.,)	
)	
Defendants.)	

**ORDER AFFIRMING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

On March 12, 2008, the Magistrate Judge issued an Order requiring that Mr. Dayton notify the Court no later than April 2, 2008, whether he intended to incur the cost of the filing fee and proceed with this action, or whether he intended to forego this litigation. As of April 4, 2008, Mr. Dayton had not communicated with the Court, and the Magistrate Judge recommended dismissing the Complaint in its entirety due to Mr. Dayton's failure to prosecute the action. The Recommended Decision was mailed to Mr. Dayton, and was subsequently returned as undeliverable because he refused delivery.

Although Mr. Dayton's refusal to accept delivery of the Recommended Decision could well signal that he no longer wishes to proceed, the Court is, for purposes of this ruling, presuming his objection. Over that objection, the Court has reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; the Court has made a *de novo* determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and the Court concurs with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, and determines that no further proceeding is necessary.

1. It is therefore ORDERED that the Recommended Decision of the Magistrate Judge is hereby AFFIRMED.
2. It is further ORDERED that the Plaintiff's Complaint (Docket # 1) is DISMISSED for Plaintiff's failure to prosecute the action.

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 1st day of May, 2008